

RM 8577

**OFFICE OF COMMISSIONER RACHELLE B. CHONG**  
**Federal Communications Commission**  
**1919 M Street, N.W., Room 844**  
**Washington, D.C. 20554**  
**Telephone: (202) 418-2200**  
**Fax: (202) 418-2820**

April 18, 1995

The Honorable Jaime Zukowski  
Mayor  
City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, California 91362-2903

**RECEIVED**  
**APR 20 1995**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY  
**DOCKET FILE COPY ORIGINAL**

Re: Cellular Telecommunications Industry Association's Petition to  
Preempt State and Local Zoning Regulations

Dear Mayor Zukowski:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

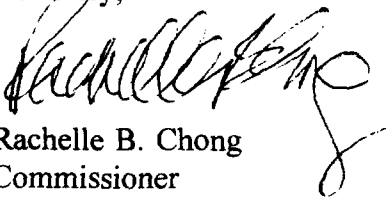
No. of Copies rec'd 0  
List A B C D E

certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,



Rachelle B. Chong  
Commissioner



# *City of Thousand Oaks*

MAYOR JAIME ZUKOWSKI

April 3, 1995

Commissioner Rachelle Chong  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20036

**SUBJECT: CELLULAR TOWER ZONING PREEMPTION**

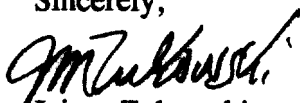
Dear Ms. Chong:

The City of Thousand Oaks City Council has voted to **OPPOSE** the proposed preemption of local zoning authority over the placement and siting of cellular towers for the following reasons:

- \* Currently, the California Public Utilities Commission issues authority for cellular utilities to construct, install, and modify facilities, but only after ensuring that the cellular utilities have first obtained the necessary local permits or approvals for the purpose of assuring that local community issues have been addressed.
- \* A proposal has been presented to the Federal Communications Commission to preempt state and local agencies from enforcing zoning regulations. A group of California cellular industry representatives are contending that cities and counties have been an impediment to the siting of cellular facilities.
- \* The local agencies are in the best position to weigh the impacts of zoning regulations on its jurisdiction.
- \* The City of Thousand Oaks has not rejected any permit applications for cellular facilities.

We urge your opposition to this proposed change in local control of cellular tower siting.

Sincerely,

  
Jaime Zukowski  
Mayor

cc: Senator Barbara Boxer  
Senator Dianne Feinstein  
Representative Anthony Beilenson  
Representative Elton Gallegly  
Joe and Anthony Gonsalves  
League of California Cities

CMO:660-40/LEG.22/b